

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION

This document relates to:

All Cases

MDL No. 2804

Master Docket No.:
1:17-MD-02804-DAP

Hon. Judge Dan A. Polster

**MOTION TO WITHDRAW AS COUNSEL FOR DEFENDANT INSYS
THERAPEUTICS, INC.**

The undersigned counsel respectfully request leave of Court for the Holland & Knight LLP attorneys listed on Exhibit 1 to withdraw as counsel for Defendants Insys Therapeutics, Inc., Insys Manufacturing LLC and Insys Pharma, Inc. (collectively, “Insys”). As grounds for this motion, counsel states as follows:

1. On June 10, 2019, Insys and its affiliates filed voluntary chapter 11 bankruptcy petitions in the United States Bankruptcy Court for the District of Delaware. Insys filed a Notice of Bankruptcy Filing and Imposition of Automatic Stay in these cases on the same date. (Docket No. 1670).

2. On July 3, 2019, Plaintiffs filed a Consent Motion to Sever Insys from the Track One cases, (Docket No. 1811), which the Court granted on July 5, 2019, effectively staying the cases against Insys.

3. On January 16, 2020, the Delaware Bankruptcy Court entered an order (the “Confirmation Order”) confirming Insys’s proposed chapter 11 plan (“Plan”). (Bankruptcy Docket No. 1115). The Plan became effective on February 18, 2020 (“Effective Date”). (Bankruptcy Docket No. 1202).

4. As of the Effective Date, the Plan provides that certain Insys assets, including “all of [its] documents, books, and records,” any privilege held by Insys and the authority to

prosecute and liquidate claims, among other powers, will vest in the Liquidating Trustee, Mr. William Henrich, in his capacity as Liquidating Trustee. The undersigned further is informed that Alan Halperin, of Halperin Battaglia Benzija, LLP, will serve as counsel to the Liquidating Trustee.

5. In addition, as of the Effective Date, pursuant to section 10.4 of the Plan, all litigation against Insys nationwide is permanently enjoined, and all claims barred except to exercise rights or obtain benefits as set forth in the Plan documents. (Bankruptcy Docket No. 1115). The Confirmation Order and Plan are available free of charge at <https://dm.epiq11.com/insys>.

6. As required by Local Rule 83.9, the undersigned has provided written notice to Insys of its intention to withdraw as counsel, and Insys consents. By this motion, counsel also provides notice to other parties in this litigation and to the Court's appointed Special Masters.

7. A proposed Order granting this Motion is filed concurrently herewith.

WHEREFORE, for all of the reasons set forth above, counsel from Holland & Knight LLP listed on Exhibit 1 respectfully request that the Court grant this motion and allow them to withdraw as counsel for Insys for good cause shown.

Dated: March 11, 2020

Respectfully submitted,

/s/ Nicholas A. Sarokhanian

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served on all counsel registered with the Court's CM/ECF service on March 11, 2020:

/s/ Nicholas A. Sarokhanian

Nicholas A. Sarokhanian